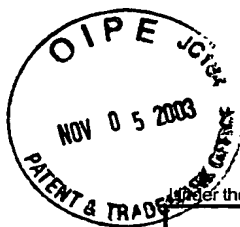


372-7



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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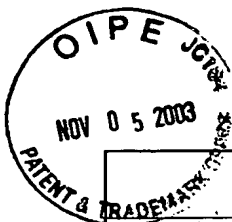
<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/056433-Conf. #08074
		Filing Date	January 23, 2002
		First Named Inventor	Carolyn M. McNeeley
		Art Unit	3727
		Examiner Name	Joseph Moy
Total Number of Pages in This Submission	1	Attorney Docket Number	29939/37717

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Preliminary Amendment
<div style="text-align: right;"> RECEIVED NOV 07 2003 TECHNOLOGY CENTER R3700 </div>		
Remarks: _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MARSHALL, GERSTEIN & BORUN LLP Matthew D. Fair - 51,662
Signature	<i>Matthew D. Fair</i>
Date	11/3/03

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Dated: 11/3/03 Signature: Matthew D. Fair (Matthew D. Fair)

**AMENDMENT TRANSMITTAL LETTER**Docket No.
29939/37717Application No.
10/056433-Conf. #08074Filing Date
January 23, 2002Examiner
Joseph MoyArt Unit
3727

Applicant(s): Carolyn M. McNeeley, et al.

Invention: NESTABLE FOOD STORAGE LID AND CONTAINER BASE

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	10	- 20 =		x	0.00
Independent Claims	1	- 3 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 13-2855
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.Dated: 11/3/03

Matthew D. Fair

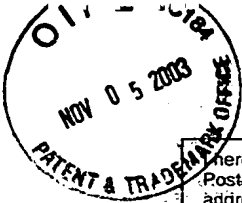
Attorney Reg. No.: 51,662

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233 S. Wacker Drive, Suite 6300
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Dated: November 3, 2003 Signature: Matthew D. Fair

-(Matthew D. Fair)

210 DmdNA S. Zimmerman
Docket No.: 29939/37717
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
McNeeley et al.

Application No.: 10/056,433

Group Art Unit: 3727

Filed: January 23, 2002

Examiner: Joseph M. Moy

For: NESTABLE FOOD STORAGE LIDS AND
CONTAINER BASE

**RESPONSE TO ELECTION REQUIREMENT
AND PRELIMINARY AMENDMENT**

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Dear Sir or Madam:

INTRODUCTORY COMMENTS

This paper is responsive to the official action dated October 2, 2003. Prior to examination on the merits, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Drawings begin on page 5 of this paper and includes attached replacement sheets.

Remarks/Arguments begin on page 6 of this paper.

An **Appendix** including amended drawing figures is attached following page 6 of this paper.